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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,156	02/27/2004	Makoto Ooki	04118/LH	8972

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EXAMINER	
LABAZE, EDWYN	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,156	OOKI, MAKOTO	
	Examiner	Art Unit	
	EDWYN LABAZE	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6012004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of Ids filed on 6/01/2004.

2. Claims 1-21 are presented for examination.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimura et al. (U.S. 6,486,981).

Re claims 1 and 19: Shimura et al. discloses color image processing method and apparatus thereof, which includes first identification means for identifying input image [herein referred as the image input unit 10] information as a character area [as disclosed in the first embodiment; col.4, lines 51-57], a photographic area, or a screened halftone area (col.4, lines 17+); output means [image output unit 16, as shown in fig. # 1] for outputting a plurality of identification signals for each area of the identified image information (col.4, lines 44+); and recording means [herein disclosed as image memory unit 11of fig. # 1] for forming images with different colors on the basis of the plurality of identification signals (col.4, lines 35+).

Re claims 2 and 20: Shimura et al. teaches an apparatus and method comprising of second identification means [referred as numeral 22 of fig. # 2] for identifying input image information as a chromatic character area or an achromatic character area (col.4, lines 65+); output means [herein disclosed as discrimination unit 21; as shown in fig. # 2] for outputting a plurality of identification signals for each area of the identified image information (col.5, lines 15-67); and recording means [which is performed through the entropy coding unit 26, as seen in figs. # 2 & 5] for recording images with different colors on the basis of the plurality of identification signals (col.7, lines 20+).

Re claims 3, 21: Shimura et al. discloses an apparatus and method, further comprising second identification means 22 for identifying the input image information as a chromatic character area or as an chromatic character area (col.5, lines 37+; col.9, lines 33+).

Re claims 4, 5: Shimura et al. teaches an apparatus and method, further comprising specification means [which is done through the discrimination unit 51 as shown in fig. # 5] for specifying colors for the respective identified areas (col.6, lines 48-67).

Re claims 6, 7: Shimura et al. discloses an apparatus and method, further comprising gradation processing means [herein referred as a schematic arrangement/grouping performed through the average calculation units 92 and 93, as shown in fig. # 8] for gradation-processing the image information on the achromatic character area (col.9, lines 16-67; col.10, lines 1-38).

Re claims 8-9: Shimura et al. teaches an apparatus and method, wherein said first identification means has an identification reference value [i.e. Y:Cd:Cr = 4:2:2 for a chromatic area and 4:1:1 for other area as performed by the sub-sampling unit 51 of fig. # 5] and further includes operation setting means for setting the identification reference value (col.5, lines 1+; col.6, lines 5+; col.7, lines 3+).

Re claim 10: Shimura et al. discloses an apparatus and method, wherein the first and second identification means have first and second identification reference values and further include operation setting means [through sub-sampling units 85 & 86, as shown in fig. # 6] for setting the first and second identification reference values, respectively (col.7, lines 40-67; col.8, lines 1-63).

Re claims 11-12: Shimura et al. teaches an apparatus and method, wherein the image forming [through the image input 10, which is constituted by an image reader such as a scanner with a CCD sensor, a SV camera or the like] is obtained by reading a document with document reading means (col.4, lines 16-20).

Re claims 13-14: Shimura et al. discloses an apparatus and method, further comprising control means for determining whether the area identification processing result [which is done through the discriminating unit 21 as to discriminate whether or not each area is a chromatic area] is good or not (col.5, lines 15-67).

Re claims 16-16: Shimura et al. teaches an apparatus and method, further comprising adjustment means for automatically adjusting the identification reference value [wherein the Cb, and Cr represent color information of the chromatic area and the ratio could be switched from a 4:1:1 to 4:2:2 or 4:4:4] on the basis of control signals output from the control means (col.6, lines 8-33).

Re claims 17-18: Shimura et al. discloses an apparatus and method, wherein said adjustment means are at least one of spatial filter adjustment means, gamma control means, color conversion adjustment means, and error diffusion adjustment means (col.5, lines 30-32; col.11, lines 64-67).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kita et al. (U.S. 5,729,360) discloses color image processing method and system.

Suzuki et al. (U.S. 5,768,403) teaches image-area identifying system for a color image processing apparatus.

Moroney (U.S. 6,039,434) discloses thresholded undercolor removal and black replacement in a thermal-inkjet printer or plotter.

Funada et al. (U.S. 6,192,152) discloses image processing apparatus.

Kanata et al. (U.S. 6,473,202) teaches image processing apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
July 27, 2004

THIEN M. LE
PRIMARY EXAMINER